

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

|                            |   |                     |
|----------------------------|---|---------------------|
| STATE OF OKLAHOMA,         | ) |                     |
|                            | ) |                     |
| Plaintiff,                 | ) |                     |
|                            | ) |                     |
| vs.                        | ) | Case No. 05-CV-0329 |
|                            | ) |                     |
| TYSON FOODS, INCORPORATED, | ) |                     |
| ET AL.,                    | ) |                     |
|                            | ) |                     |
| Defendants.                | ) |                     |

VIDEOTAPED DEPOSITION OF TIM JONES  
TAKEN ON BEHALF OF THE DEFENDANT(S)  
IN TULSA, OKLAHOMA  
ON APRIL 10, 2009

REPORTED BY: ROSIE STANDRIDGE, CSR

Tim Jones

April 10, 2009

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A P P E A R A N C E S

For the Plaintiff:

Patrick H. Green  
Riggs, Abney, Neal, Turpen,  
Orbison & Lewis, PC  
502 West Sixth Street  
Tulsa, Oklahoma 74119-1010

For Cargill, Inc. and Cargill Turkey Production, LLC:

Theresa Noble Hill  
Rhodes, Hieronymus, Jones  
Tucker & Gable, PLLC  
ONEOK Plaza  
100 W. 5th Street  
Suite 400  
Tulsa, Oklahoma 74103-4287

Also present:

Mr. Wayne Neil, Videographer

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## I N D E X

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1 (Exhibits 1 & 2 marked)

2 THE VIDEOGRAPHER: We are on the record.

3 Today is April 10th, 2009. This is the beginning of  
4 the videotaped deposition of Tim Jones in the United  
5 States Court for the Northern District of Oklahoma;  
6 State of Oklahoma versus Tyson Foods, Incorporated;  
7 Case 05-CV-0329. My name is Wayne Neil, the  
8 videographer. Our court reporter is Rosie Standridge.

9 Will the attorneys please introduce  
10 themselves.

11 MS. HILL: Theresa Hill for Cargill, Inc.  
12 and Cargill Turkey Production, LLC.

13 MR. GREEN: Pat Green for the State of  
14 Oklahoma.

15 THE VIDEOGRAPHER: Would the court reporter  
16 please swear in the witness.

17 TIM JONES,  
18 after having been first duly sworn/affirmed at 8:37  
19 a.m., deposes and says in reply to the questions  
20 propounded as follows, to-wit:

21 EXAMINATION

22 BY MS. HILL:

23 Q. Mr. Jones, again, for the record, my name is  
24 Theresa Hill. We met earlier this morning.

25 A. Uh-huh.

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1 Q. I'm sure you've given sworn testimony  
2 previously in your career, but let's go over a few  
3 ground rules for today.

4 A. Okay.

5 Q. If you answer my question, I'm going to  
6 assume that you've understood the question that I've  
7 asked. However, if you do not understand, please ask  
8 me to clarify and I'll try to ask a better question.  
9 Is that agreeable?

10 A. Certainly.

11 Q. And you did a great job of giving us oral  
12 answers. Yeses and nos are good --

13 A. Yeah.

14 Q. -- rather than shaking heads --

15 A. Okay.

16 Q. -- or uh-huhs or huh-uhs. The other thing  
17 that I tend to do sometimes is trail off. Please let  
18 me get my question out and then answer so we can have  
19 a clean record of the question, a break, and an  
20 answer.

21 A. Okay.

22 Q. Another rule for today is if you want to  
23 take a break at any time, you may call a break.  
24 Just -- if there's a question pending, please, let's  
25 answer that question and then we can proceed with the

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1 break.

2 A. Certainly.

3 Q. I'm going to hand you what the court  
4 reporter has marked as Exhibit Number 1. Would you  
5 please identify that document for the record?

6 A. It's a subpoena to testify at a deposition,  
7 its location, addressed to me.

8 Q. And on that subpoena, do you see where it  
9 asks you to bring documents also?

10 A. Yes.

11 Q. Did you bring any documents with you today?

12 A. I have a W-2 from 2007.

13 Q. All right. Okay. Actually, this looks like  
14 a 1099. And this is from Lithochemia.

15 A. Uh-huh.

16 Q. And is that for your work on this project?

17 A. Yes, it is.

18 Q. At a break, we'll make a copy of this and  
19 enter it. We'll also redact your -- your social  
20 security number and federal ID number here.

21 A. Okay.

22 Q. Tell me, Mr. Jones, what did you do to  
23 prepare for today's deposition?

24 A. I had one meeting at the attorney's office  
25 and talked about what we would be doing today. That

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1 was basically it.

2 Q. Which attorney's office did you meet at?

3 A. Abney -- I can't remember all the --

4 Q. Riggs, Abney?

5 A. Riggs, Abney.

6 Q. Do you recall who you met with?

7 A. What was his -- the primary attorney. There  
8 was -- there was somebody --

9 Q. Was Mr. Green at the meeting?

10 A. Yes, he was there.

11 Q. All right.

12 A. There were several attorneys there.

13 Q. And did you meet with Mr. Garren also?

14 A. Yes.

15 Q. Were there other attorneys present?

16 A. Yes.

17 Q. Do you know the names of those attorneys?

18 A. No, I don't.

19 Q. Do you know Mr. Bullock, Louis Bullock?

20 A. I know who he is.

21 Q. Was he present at the meeting?

22 A. No.

23 Q. Were there any scientists at the meeting?

24 A. No.

25 Q. Okay. And were there other investigators

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1 who were present at this meeting?

2 A. Investigators?

3 Q. Who were involved in the project that we're  
4 here to talk about --

5 A. Yes.

6 Q. -- today.

7 A. Yes.

8 Q. All right. And do you recall some of the  
9 other investigators who were at that meeting?

10 A. I'm trying to think. I think Rod Hummel was  
11 there. Steve Steele was there. Gosh.

12 Q. That's fine if you --

13 A. Sounds evasive, but it's just poor memory.

14 Q. I understand. And what did you discuss at  
15 this meeting?

16 A. We discussed what would be going on at the  
17 depositions.

18 Q. And what were you told would be going on at  
19 the depositions?

20 A. I was told I would be asked questions about  
21 what we did and how we did it, things like that.

22 Q. Did you have any questions about your  
23 testimony here today?

24 A. Not really.

25 Q. Okay. What did you do -- did you do



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1 anything else to prepare for your testimony here  
2 today?

3 A. Not really.

4 Q. Did you look at any documents?

5 A. I don't have any documents.

6 Q. Did you ever have any documents relating to  
7 your work on this project?

8 A. Did I ever have any? If you mean during the  
9 time I prepared them, I did. But I don't have -- I  
10 didn't keep anything.

11 Q. And what did you do with those documents  
12 after you prepared them?

13 A. At the end of the day, I was -- I turned --  
14 one time it was to Rod Hummel with the understanding  
15 that he was going to take them to Steve Steele. I'd  
16 worked with him on one particular day. And then I  
17 think the other day, met with Steve and just gave them  
18 to Steve Steele at the end of the day.

19 Q. So you do not retain any documents today  
20 relating to your work on this project?

21 A. No.

22 Q. Did you have any e-mails relating to this  
23 project?

24 A. Not that I can think of.

25 Q. Did you communicate with anyone else prior

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1 to your deposition today about this deposition?

2 A. I talked to -- Gary Stansill and Mike Huff  
3 both worked for me. And the discussion -- do you want  
4 me to continue?

5 Q. Yes, please. Go ahead.

6 A. The discussion was basically -- I talked to  
7 Sergeant Stansill after he had finished his  
8 deposition, and he said -- right off the bat, he said,  
9 "We don't want to talk about this because you'll have  
10 to re-create everything we talked about." And he  
11 said, "You would be asked a lot of questions and there  
12 would be no surprises." So that was our discussion.

13 Q. Did Mr. Huff tell you the same thing,  
14 essentially?

15 A. Basically the same thing.

16 Q. Did they tell you anything else about their  
17 depositions?

18 A. No.

19 Q. I've reviewed the documents that were  
20 produced in relation to the -- your work on this  
21 project. It appears that you weren't out in the  
22 watershed very often.

23 A. No.

24 Q. Is that correct? Do you recall how many  
25 times you worked on this project?

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1           A.    I'm thinking I went out three times.  If  
2   I -- if you'd like, I'll explain that.  I was --

3           Q.    Please do.

4           A.    -- basically a stand-in, kind of a  
5   last-minute, if they needed somebody to go, then I  
6   went.  That's -- that's all I did.

7           Q.    Before the first time that you ever went out  
8   to the watershed, tell me who -- who approached you.

9           A.    Steve Steele.

10          Q.    And what did he tell you about this project?

11          A.    He basically told me that it was a reference  
12   to the -- the dumping of chicken waste in the  
13   watershed, and that's what we would be looking for and  
14   documenting.

15          Q.    And do you --

16          A.    Go ahead.

17          Q.    Do you remember what -- what time frame that  
18   conversation was in?  What year?

19          A.    I want to say 2006, although I never worked  
20   in 2006.

21          Q.    When do you believe that you worked on this  
22   project?

23          A.    2007 is the best -- I mean, I -- that's the  
24   only document I could find in my tax records.

25          Q.    We'll look at some papers a little later --

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1 A. Okay.

2 Q. -- and try to clarify when you were out  
3 there.

4 A. Okay.

5 Q. And did Mr. Steele use the term "dumping"?

6 A. I don't remember.

7 Q. Did he tell you what that meant? You said  
8 dumping of chicken waste in the watershed.

9 A. I can't remember exact terminology.

10 Q. Okay.

11 A. I mean, I -- my understanding was -- is  
12 there was spreading going on with spreader trucks.

13 Q. What I'm trying to understand is if dumping  
14 of chicken waste has a different meaning than  
15 spreading of chicken litter in the watershed.

16 A. Not to me.

17 Q. So tell me what your understanding of  
18 dumping of chicken waste is, then.

19 A. They would -- I observed like -- trucks with  
20 a spreader capacity on the back of the trucks would  
21 pull up into a field and open it up and drive across  
22 the field and stuff would come out of it.

23 Q. And did Steve Steele tell you that dump  
24 trucks were used sometimes to move this chicken  
25 litter?

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1 A. Either Steve or Rod told me, yes.

2 Q. Okay. So if Steve uses the term "dumping"  
3 to indicate that a dump-type truck was used, does that  
4 comport with your -- your memory or your recollection?

5 A. As far as pinning down to Steve's  
6 terminology of dumping, that's probably as much my  
7 terminology as his. I don't recall exactly what  
8 terminology he would use in that frame.

9 Q. Well, then what do you mean by the term  
10 "dumping"?

11 A. Having something in a vehicle, in a truck,  
12 and then it ends up on the ground.

13 Q. So putting anything on the ground by the use  
14 of a vehicle you consider to be dumping?

15 A. Could be.

16 Q. Okay. And the action of putting the  
17 material on the ground by use of a vehicle is what  
18 makes the activity dumping rather than the actual use  
19 of the material on the ground? Is that -- that  
20 your -- your meaning or understanding?

21 A. Would you say that again, please?

22 Q. Sure. Let me try again. If -- if a farmer  
23 were using fertilizer in such a manner to put it on  
24 the ground by a truck, would you consider that  
25 dumping?

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1           A.    Okay. I understand. I -- I suppose. It  
2   could be spreading or dumping.

3           Q.    What I'm trying to understand is if you  
4   distinguish between spreading and dumping or whether  
5   that's the same activity.

6           A.    It's the same activity in my mind.

7           Q.    So when you use the term "dumping," that  
8   could be interchanged with spreading?

9           A.    Yes, it could.

10          Q.    And you're not giving any opinion about  
11   whether the farmer's use of the material that's being  
12   put on the ground is for fertilization purposes or any  
13   other purpose?

14          A.    No, I have no opinion.

15          Q.    Tell me, did you receive any other  
16   instructions or training from anyone before the first  
17   time you went out in the watershed?

18          A.    No.

19          Q.    And who did you go out with on the times you  
20   went to the watershed?

21          A.    I went with Rod Hummel and I went with Mike  
22   Nance.

23          Q.    Let's quickly go over your education prior  
24   to joining the Tulsa Police Department. Do you have  
25   any scientific training?

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1 A. No.

2 Q. Okay. Any degrees in biology or chemistry?

3 A. No.

4 Q. Do you have a college degree?

5 A. Yes.

6 Q. What is your degree in?

7 A. Bachelor of science, criminal justice.

8 Q. Where did you obtain that degree?

9 A. From NSU.

10 Q. NSU's campus in Tahlequah?

11 A. Yes.

12 Q. What years were you in Tahlequah?

13 A. I finished in 1986, if I remember correctly.

14 I had gone to NEO A&M. And then I attended OSU for  
15 one year. And then I joined the Tulsa Police  
16 Department. And then I went back and finished my  
17 degree at NSU.

18 Q. Did you actually live in Tahlequah then?

19 A. No.

20 Q. And when did you go to work for the Tulsa  
21 Police Department?

22 A. 1974.

23 Q. And are you with the Tulsa Police Department  
24 today?

25 A. Yes, I am.

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1 Q. Long career. And at the Tulsa Police  
2 Department, have you done work as an investigator?

3 A. Yes, I have.

4 Q. What type of investigative work have you  
5 done for the Tulsa Police Department?

6 A. I have worked homicide. I have worked sex  
7 crimes. I have worked commercial auto theft. I have  
8 worked white collar crimes. I have also supervised  
9 the sex crimes unit. And I'm currently a captain in  
10 charge of the people crimes section of the detective  
11 division.

12 Q. Have you investigated any agricultural  
13 crimes?

14 A. No.

15 Q. Any environmental matters?

16 A. No.

17 Q. Tell me about your training at the Tulsa  
18 Police Department. Have you had any environmental  
19 training?

20 A. I'm not sure if you would consider the --  
21 our hazardous materials training over the years. That  
22 would be about as close as I've -- training as I've  
23 had to that.

24 Q. You have had training in handling hazardous  
25 materials; is that correct?



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1 A. Not in handling. In handling situations is  
2 what I've been trained in as far as wind -- you know,  
3 wind direction and perimeters and things like that.  
4 Never actually handling the materials.

5 Q. Okay. Have you received instruction about  
6 protective gear to wear in such situations where  
7 hazardous materials may be involved?

8 A. Somewhat, yes.

9 Q. Okay. And --

10 A. Basically --

11 Q. Go ahead.

12 A. -- it is -- the police department's job is  
13 to secure perimeters as much as anything. And then  
14 the fire department and the actual hazardous materials  
15 people or whatever, that have the gear, do that.

16 Q. In your training for dealing with hazardous  
17 materials, you also understand that there are other  
18 state and federal agencies that oftentimes become  
19 involved?

20 A. Uh-huh.

21 Q. Okay. And do you have any training on  
22 reporting incidents to other state and federal  
23 agencies that involve hazardous material?

24 A. The Tulsa Police Department procedures has  
25 some things built in for -- notify different agencies

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1 depending on what -- whether it's nuclear or any of  
2 those kind of things.

3 Q. And is there a Tulsa Police Department  
4 procedure for notifying perhaps Oklahoma Department of  
5 Environmental Quality or even the EPA if there's a  
6 situation involving hazardous materials?

7 A. I would imagine there is, yes. I can't  
8 quote it to you specifically.

9 Q. Have you ever been involved in an incident  
10 during your work for the Tulsa Police Department that  
11 has involved hazardous materials?

12 A. No. I guess meth labs. If you would  
13 consider meth labs, I've been involved in some of  
14 those investigations.

15 Q. Okay. In investigating meth labs, have you  
16 put on protective gear?

17 A. I did not. This was some years back --  
18 which, by the way, I forgot to mention, I did work in  
19 the narcotics division for about a year and a half as  
20 a captain.

21 Q. You have a very impressive career with the  
22 Tulsa Police Department. Thank you for your good  
23 work.

24 A. I made the -- I made the comment that it  
25 sounds like I just can't hold a job very well. You

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1 stay around long enough, you go a lot of places.

2 Q. Do you have any other experience in  
3 agriculture, generally?

4 A. No.

5 Q. How about in ranching or farming?

6 A. My mom and -- and dad lived on -- and I  
7 lived with them at five acres in Inola. Had a cow and  
8 a horse. Does that count?

9 Q. I'll probably ask you a few questions about  
10 that. Did you raise any poultry?

11 A. No.

12 Q. Did you just have one cow at a time?

13 A. Yes.

14 Q. Okay. I probably won't ask you many  
15 questions about that, then.

16 A. It would only take a minute to cover all I  
17 know about that.

18 Q. Did you have a farm pond?

19 A. There was a farm pond.

20 Q. Did your cow like to spend time near the  
21 pond and water?

22 A. I'm guessing he did. I didn't pay  
23 attention.

24 Q. All right. When you first went out into the  
25 Illinois River Watershed on this project, what was

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1 the under -- your understanding of your assignment?

2 A. We were just watching for the spreader  
3 trucks' comings and goings and documenting where we  
4 observed those things.

5 Q. Did you determine distances that the  
6 spreader trucks were traveling?

7 A. From Point A to Point B? I don't remember  
8 ever specifically doing that.

9 Q. All right. Did you interview any witnesses?

10 A. No, I did not.

11 Q. Did you collect any materials or evidence of  
12 any type when you were in the field?

13 A. I did not.

14 Q. Did anyone who you were with collect any  
15 kind of materials from the field?

16 A. No.

17 Q. Please take a look at Exhibit Number 2 here.  
18 I'll represent to you that these are a variety of  
19 blank forms that we found in the documents that were  
20 produced from the investigators' work on this project.  
21 I'm going to ask you if you're familiar with these  
22 forms or have ever used these forms. So let's take a  
23 look at the first page, and we'll start there. Have  
24 you ever used this form?

25 A. I have not.

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1 Q. Okay. Let's turn to the next page. Are you  
2 familiar with this form?

3 A. No.

4 Q. Okay. Let's turn to the next page. Are you  
5 familiar with this form?

6 A. Yeah. This is the form that I'm -- that I  
7 utilized.

8 Q. Okay. Did you receive any instructions on  
9 filling out this form?

10 A. Yes.

11 Q. Okay. And who gave you that instruction?

12 A. Well, when I first rode with -- when I went  
13 with Rod, he explained to me how to fill it out, what  
14 I was to put on there.

15 Q. I took Mr. Hummel's deposition, and he said  
16 usually the person who rode with him took the notes.  
17 Did you take the notes --

18 A. Yes.

19 Q. -- when you went out with Mr. Hummel?

20 A. Yes. I was a scribe.

21 Q. Did you make any oral reports to anyone that  
22 would not be captured in notes?

23 A. No.

24 Q. Did you have any communications during your  
25 work with this project on any -- with any of the

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1 attorneys for the State of Oklahoma?

2 A. No.

3 Q. So this meeting in preparation for your  
4 deposition here today, was that the first time you had  
5 met with any of the attorneys involved in this case  
6 for the State of Oklahoma?

7 A. As I said, when they first started, we had  
8 the initial meeting. And then the only other time was  
9 at -- at the -- right before we came in for the  
10 depositions. That's the only contact I've had with  
11 the attorneys.

12 Q. Okay. I guess I misunderstood. I -- I've  
13 heard about this first meeting from some of the other  
14 investigators we've deposed this week, but I did not  
15 realize you were at this first training meeting prior  
16 to doing any work on the project with attorneys. Is  
17 that what you're telling me now?

18 A. The -- the first meeting -- like I said, it  
19 was a long time ago. I don't remember any specific  
20 training. I just remember that there was discussion  
21 about what was going to go on. And -- and to be  
22 honest, even at that time, I was -- as -- as I heard  
23 of the project, I was -- I knew that I would probably  
24 not be able to participate very much because I had  
25 other commitments. So I don't really remember a lot

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1 about the meeting.

2 Q. This was the meeting in 2005?

3 A. You would -- it was either 2005 or 2006. I  
4 don't remember.

5 Q. Okay.

6 A. I mean, it's a long time ago and I didn't  
7 get involved in it initially.

8 Q. Okay. Do you recall anything from that  
9 meeting?

10 A. Any specifics?

11 Q. Yes.

12 A. No.

13 Q. Okay. Was Mr. Garren present at that  
14 meeting?

15 A. I don't remember.

16 Q. Was Mr. Bullock present at that meeting?

17 A. I don't remember Mr. Bullock being there.

18 Q. Do you recall whether you met any of the  
19 scientists at that meeting?

20 A. It seems to me there were scientists there,  
21 but I don't remember.

22 Q. I understand. Thank you. Do you know  
23 Dr. Bert Fisher?

24 A. No.

25 Q. Prior to doing your work on this project,

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1 did you receive any instruction from anyone on  
2 Oklahoma environmental laws?

3 A. No.

4 Q. Do you have any knowledge of the statutes or  
5 regulations dealing with the transportation of poultry  
6 litter?

7 A. No.

8 Q. When I use the term "poultry litter," do you  
9 know what I'm referring to?

10 A. Yes, I think so.

11 Q. Tell me what you understand by the term  
12 "poultry litter."

13 A. Chicken waste.

14 Q. Did you receive any instruction or training  
15 in the laws and regulations dealing with application  
16 of poultry litter?

17 A. No.

18 Q. Have you ever heard the term "animal waste  
19 management plan"?

20 A. No.

21 Q. Have you ever heard the term "nutrient  
22 management plan"?

23 A. No.

24 Q. And I can assume you've never looked at an  
25 animal waste management plan or a nutrient management



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1 plan?

2 A. Never have.

3 Q. Do you have any knowledge of what the litter  
4 application standards are in Oklahoma?

5 A. I have no idea.

6 Q. Have any knowledge of Arkansas environmental  
7 laws as they relate to the transportation of poultry  
8 litter?

9 A. No, I do not.

10 Q. Have any knowledge about the Arkansas laws  
11 as they relate to the land application of poultry  
12 litter?

13 A. No.

14 Q. Do you have any knowledge of the standards  
15 in Arkansas for applying litter to the -- to land?

16 A. No.

17 Q. Do you have any knowledge of requirements by  
18 Arkansas or Oklahoma law to test litter itself?

19 A. No.

20 Q. Do you have any knowledge of laws or  
21 regulations in Oklahoma or Arkansas relating to soil  
22 testing?

23 A. No.

24 Q. Do you have any training or understanding of  
25 the terms "phosphates" and "phosphorus"?

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1 A. No.

2 Q. Anyone ever tell you that phosphorus was a  
3 hazardous substance?

4 A. No.

5 Q. You understand -- do you have any belief as  
6 to whether phosphorus was a -- is a hazardous  
7 substance?

8 A. No.

9 MR. GREEN: Object to the form.

10 Q. (By Ms. Hill) Anyone tell you that  
11 phosphates or phosphorus were in poultry litter?

12 A. No.

13 Q. Have you had any training in the fate and  
14 transport of chemicals or other substances through  
15 soil and water?

16 A. No.

17 Q. Do you know what the term "fate and  
18 transport" mean?

19 A. I know what fade [sic] means and I know what  
20 transport means.

21 Q. Have you had any experience at any time in  
22 soil -- testing soil?

23 A. No.

24 Q. Testing water?

25 A. No.

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1 Q. Do you have any experience in testing  
2 litter?

3 A. No.

4 Q. Did you receive any training or instruction  
5 on any decontamination procedures?

6 A. No.

7 Q. Did you receive any instruction or training  
8 in biosecurity?

9 A. No.

10 Q. And to confirm, you weren't involved in any  
11 taking of samples when you went out in the watershed?

12 A. No.

13 Q. Did you make observations of persons  
14 applying litter in the watershed to land?

15 A. Yes, I did.

16 Q. Did you or anyone who you know of at that  
17 time make any effort to test the litter that was being  
18 land applied?

19 A. No.

20 Q. Do you know if anyone attempted to measure  
21 the rate of application?

22 A. Not that I'm aware of.

23 Q. Did you make any determination about the  
24 calibration of the trucks that were applying litter to  
25 land?

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1 A. No.

2 Q. Did you make any attempt to determine the  
3 type of litter that was being used?

4 A. No.

5 Q. Did you get any instruction on the different  
6 types of poultry litter that you might find in the  
7 watershed?

8 A. Only that there was liquid. And -- and then  
9 there's the dry, I guess you call it, that --  
10 shavings. That was the only discussion that I had  
11 about -- about that.

12 Q. The land application that you witnessed, was  
13 that an application of dry litter or liquid?

14 A. What I remember seeing is the liquid.

15 Q. Do you know whether there are different  
16 types of dry poultry litter?

17 A. I don't really know.

18 Q. When you were out in the watershed, did you  
19 make any attempt to measure distances from land  
20 application to any type of water body?

21 A. No.

22 Q. Did you make any notes or attempt to  
23 evaluate the geology of the land involved?

24 A. Whether there was water around? Do you want  
25 to ask me the question again, make sure I understand

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1 it?

2 Q. Did you make any observations about whether  
3 the ground was rocky or had lots of soil? Is that  
4 something you looked for?

5 A. I didn't make any notes on that, no.

6 Q. Did you make any notes about the slope of  
7 the land?

8 A. Not really.

9 Q. Was that something you were asked to  
10 observe?

11 A. What I -- if I -- if I may.

12 Q. Please.

13 A. What I recall -- and it's like one  
14 particular incident -- where a truck pulled off the  
15 road in a hilly area, opened the liquid -- in other  
16 words, we saw liquid coming out of the back of the  
17 truck. And he sat in one location, and his truck was  
18 pointed kind of -- the front of the truck was kind of  
19 uphill, and the back of the truck was, you know, the  
20 lower end. And -- and it ran -- and I remember it  
21 running down a hill. So I -- you know, I observed  
22 some things like that. I'm not sure if I'm answering  
23 your question specifically.

24 Q. That's fine. Did you make any attempt to  
25 measure the slope of that hill?

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1 A. No, I did not.

2 Q. When you saw this liquid running down the  
3 hill, did you report this incident to anyone?

4 A. No, I did not.

5 Q. You did not attempt to make any report to  
6 any Oklahoma state agency?

7 A. No. I reported it in my documents that were  
8 turned in.

9 Q. And were you instructed in this instance to  
10 make any notes about the type of soil or amount of  
11 soil on this hillside?

12 A. No.

13 Q. Do you know if anyone came to that location  
14 at that time to look at the edge of the field to take  
15 samples or make any other determination?

16 A. No.

17 Q. How long did you watch this truck?

18 A. Two minutes, three minutes.

19 Q. Did you make any determination of the source  
20 of the materials that were in this truck?

21 A. No.

22 Q. So this wasn't a truck you had followed from  
23 a location where it had loaded up with material?

24 A. That, I honestly don't remember on that  
25 particular occasion.

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1 Q. Okay. All right. Did you do anything to  
2 establish whether there was any runoff from that  
3 field?

4 A. I did not.

5 Q. Do you know, was there a name on this truck?

6 A. I don't remember; but if there was, I  
7 probably would have written it down.

8 Q. Do you have any memories about this incident  
9 about whether there was a particular landowner, grower  
10 or company involved, any names?

11 A. I don't remember.

12 Q. Do you remember the names of any persons  
13 involved in the activities that you observed in the  
14 watershed?

15 A. No.

16 Q. Do you know who the defendants are in this  
17 case?

18 A. Tyson Foods.

19 Q. During your work on this project, do you  
20 recall receiving any information about any of the  
21 defendants in this lawsuit?

22 A. No.

23 Q. Did you observe any activities of any of the  
24 defendants in this lawsuit?

25 A. No.

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1 Q. So you don't remember particularly seeing  
2 anything that anyone was doing relating to Cargill,  
3 for instance?

4 A. No.

5 Q. Okay. When you were out in the watershed,  
6 did you attempt to observe and document any instances  
7 of streambank erosion?

8 A. Not that I recall.

9 Q. Were you asked to observe and document  
10 cattle in the watershed?

11 A. I seem to remember -- and I would have made  
12 notes on it if -- that there was cattle in one of the  
13 fields where we had observed spreading.

14 Q. And was that something that you were  
15 instructed to document in your notes?

16 A. I seem to recall documenting it in notes.

17 Q. What do you remember about the cattle that  
18 were present?

19 A. They were grazing.

20 Q. Were you asked to observe and document any  
21 instances of recreational use of the Illinois River?

22 A. (Witness shakes head).

23 Q. Do you want to just give me a --

24 A. No.

25 Q. -- "yes" or "no"? I'm sorry. No?



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1 A. No.

2 Q. Okay.

3 A. You can't hear my head rattling?

4 Q. Were you asked to observe and document any  
5 septic systems in the Illinois River Watershed?

6 A. No.

7 Q. Did you observe and document any wastewater  
8 treatment facilities in the Illinois River Watershed?

9 A. I did not.

10 Q. Did you observe any use of commercial  
11 fertilizer in the Illinois River Watershed?

12 A. Not that I recall.

13 Q. Did you see any construction in urban areas  
14 in the Illinois River Watershed?

15 A. You mean like housing or --

16 Q. Did you see any housing additions being  
17 structured out in the Illinois River Watershed?

18 A. I don't remember specifically, no.

19 Q. That's not something you were asked to  
20 observe and document?

21 A. Huh-uh.

22 Q. No?

23 A. No.

24 Q. Thank you.

25 (Exhibit 3 marked)

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1 Q. I'm going to ask you to take a look at what  
2 has been marked as Exhibit Number 3. Take a few  
3 look -- moments to look at this note and these  
4 pictures, and let me know when you're ready. Were you  
5 involved in this observation?

6 A. Yes, I was.

7 Q. Did you make the notes on this --

8 A. Yes, I did.

9 Q. -- piece of paper?

10 A. Uh-huh.

11 Q. All right. I'm a little bit confused  
12 because the date on this piece of paper says April 12,  
13 2006 and your 1099 refers to 2007. Do you have any  
14 information today about whether this was -- work was  
15 done in 2006 or 2007?

16 A. Well, as I -- as I explained, that's the  
17 only W-2 I could find. And I -- I really didn't  
18 remember whether I did any work in 2006. Does that  
19 answer your question?

20 Q. Yes. We're going to go through all the  
21 forms I've been able to find for you.

22 A. Okay.

23 Q. I'll let you know that all of those are in  
24 2006. But at the end, we'll -- when we get through  
25 them, we'll try to clarify the date again.

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1 Do you have any independent recollection of  
2 this incident other than what's noted here on -- on  
3 Page OK-PL-0004431?

4 A. I believe this is the incident that I was  
5 talking about just while ago.

6 Q. Was this the first time you were out in the  
7 watershed, this incident?

8 A. I don't remember.

9 Q. Do you believe that there's any improper  
10 activity being noted on this observation?

11 MR. GREEN: Object to form.

12 Q. (By Ms. Hill) Go ahead.

13 MR. GREEN: Go ahead.

14 Q. (By Ms. Hill) You may answer.

15 A. Okay.

16 Q. Sorry.

17 A. What little I understood about it, I thought  
18 it was unusual that he went stationary.

19 Q. And that is what's shown on the photo marked  
20 OK-PL-0007414?

21 A. Yes.

22 Q. And is this the incident that you believe is  
23 an application of liquid manure?

24 A. Yes.

25 Q. You believe this to be unusual -- what other

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1 information did you gather to determine whether there  
2 was actually any violation taking place -- of law  
3 taking place?

4 MR. GREEN: Object to the form.

5 A. I had no knowledge of violation of law.

6 Q. (By Ms. Hill) So you did not do any further  
7 investigation about this unusual activity you noted in  
8 the field?

9 A. No.

10 Q. You didn't -- did not talk to any witnesses?

11 A. No.

12 Q. You didn't gather any other evidence?

13 A. No.

14 Q. And if you were to determine whether there  
15 was indeed any type of violation of any law, you would  
16 need to know what those laws were?

17 A. I would.

18 Q. One would need to interview witnesses?

19 A. Yes.

20 Q. And gather evidence?

21 A. Yes.

22 Q. So this isn't like the criminal  
23 investigations that you do in your line of work for  
24 the Tulsa Police Department?

25 A. No.

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1 Q. This was just an observation in a snapshot  
2 of time?

3 A. Yes.

4 Q. Let's go on to the next observation.

5 (Exhibit 4 marked)

6 Q. This one is marked as Exhibit Number 4. I  
7 don't have a picture associated with this one because  
8 it doesn't appear that you took a picture. Is that  
9 correct?

10 A. That would be correct.

11 Q. All right. Were you involved in this  
12 observation?

13 A. Yes.

14 Q. And did you make the notes on this page?

15 A. Looks like -- yes, I did.

16 Q. Okay. And it appears that this observation  
17 marked on Exhibit 4 is the same day as the observation  
18 you made on Exhibit 3; is that --

19 A. Yes.

20 Q. -- correct? Okay. So we know that you were  
21 out there on April 12 -- that April 12th or April 2nd?  
22 Do you know?

23 A. 12th.

24 Q. Okay. So it was April 12th -- and we'll --  
25 we'll see if we can figure out whether it was 2006 or

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1 2007 later. Do you have any independent recollection  
2 of the -- this observation other than what's noted on  
3 the form here?

4 A. No, I do not.

5 Q. Is there anything unusual about your  
6 observation noted here on Exhibit 4?

7 A. Not that I -- not that I know.

8 Q. Okay. Let's keep going. This will be  
9 Exhibit Number 5.

10 (Exhibit 5 marked)

11 Q. I'll represent to you that Exhibit Number 5  
12 is a compilation of the remaining notes that I could  
13 find with your name on them. If you'll take a moment  
14 to flip through the remaining notes here, I'm going to  
15 ask you a few questions on each of these pages.

16 All right. Thank you. On the first page of  
17 this Exhibit Number 5, it has the Bates mark  
18 OK-PL-0004427. Were you involved in this observation?

19 A. Yes.

20 Q. And did you make the notes on this  
21 observation?

22 A. Yes, I wrote the notes.

23 Q. And what is the date that is on this form?

24 A. 4/12 of '06.

25 Q. Do you have any independent recollection of

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1 the activities that are noted on this form other than  
2 what's indicated on this paper?

3 A. Not really.

4 Q. Is there anything else you remember about  
5 this?

6 A. No.

7 Q. Anything unusual noted on -- about this  
8 observation made on April 12, 2006?

9 A. No.

10 Q. Okay. Let's go on to the next page. This  
11 one has the Bates Number OK-PL-0005144. Were you  
12 involved in this observation?

13 A. Yes.

14 Q. And did you make the notes on this  
15 observation?

16 A. I don't believe I did.

17 Q. Do you believe this is one day that  
18 Mr. Hummel might have made his own notes?

19 A. (Witness nods head).

20 Q. Yes?

21 A. Yes.

22 Q. Thank you. And what is the date of this  
23 observation?

24 A. Looks like 1/11 of 2006.

25 Q. Do you have any independent recollection of

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1 this observation?

2 A. I do not.

3 Q. Let's go on to the next page. This page is  
4 Bates numbered OK-PL-0005145. And were you involved  
5 in this observation?

6 A. Yes.

7 Q. And do you believe you made these notes?

8 A. I did.

9 Q. Okay. And what is the date of this  
10 observation?

11 A. 1/11/2006.

12 Q. Okay. And do you have any independent  
13 recollection of the activities you were observing that  
14 day other than what's noted on this piece of paper?

15 A. Not really, no.

16 Q. Let's go on to the next page. This one has  
17 the Bates Number OK-PL-0005146. Were you involved in  
18 this observation?

19 A. Yes, I was.

20 Q. Did you make the notes on this observation?

21 A. Yes, I did.

22 Q. And what is the date of this observation?

23 A. 1/11 of 2006.

24 Q. And do you have any independent recollection  
25 of the activities that were observed on this note?



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1           A.    I remember that we stopped and -- and picked  
2   up a dead chicken.

3           Q.    Did you put on any protective gear?

4           A.    I did not.

5           Q.    Did Mr. Hummel?

6           A.    No, not that I recall.

7           Q.    Was this picked up for a joke?

8           A.    I don't remember.

9           Q.    You don't know why you picked up the dead  
10   chicken on the road?

11          A.    No.  I -- I mean, they picked it up and  
12   bagged it; but I don't remember anything else about  
13   what went on with it.  I really don't.

14          Q.    Did you ever pick up any poultry litter?

15          A.    Did I?  No.

16          Q.    Let's go on to the next page.  This one is  
17   marked OK-PL-0005147.  Were you involved in this  
18   observation?

19          A.    Yes.

20          Q.    And did you make the notes on this  
21   observation?

22          A.    I did.

23          Q.    And what is the date of this observation?

24          A.    1/11 of 2006.

25          Q.    Do you have any independent rec --

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1 recollection of the activities that you were observing  
2 on this note other than what's on the paper here?

3 A. Not really.

4 Q. Do you remember anything?

5 A. Do I remember anything?

6 Q. About this observation other than what's  
7 written here. I'm sorry.

8 A. If your question is if I can visually draw  
9 this up in my mind and have a memory of it, no, I do  
10 not have a memory of it.

11 Q. The reason why I'm asking you these  
12 questions is you're on the State's final fact witness  
13 list. And I just want to make sure at trial, if we  
14 pull this piece of paper out, you -- you don't tell us  
15 anything else that's not on this paper or that we have  
16 not heard here today.

17 A. Okay. With that understanding, no.

18 Q. Okay. That's -- that's the purpose for my  
19 questions. And that's all I want to know is if  
20 there's anything else you have to tell us.

21 A. I understand.

22 Q. Okay. The final page in this booklet is  
23 OK-PL-0005148. Were you involved in this observation?

24 A. Yes, I was.

25 Q. Did you make this note?

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1 A. I think -- yes.

2 Q. And what was the date of this note?

3 A. 1/11 of 2006.

4 Q. And do you have anything else that you would  
5 tell the jury in this case about this observation  
6 other than what's noted here?

7 A. No.

8 Q. I'll represent to you, Mr. Jones, that we  
9 have been through all the pieces of paper that I can  
10 find with your name on there, and I've only found that  
11 you were out in the watershed on two days. Can you  
12 recall whether you were out there on any other  
13 occasion other than two days?

14 A. Well, believe it or not, after -- I mean, I  
15 really was thinking about this. And I remember being  
16 with Rod, and I remember being with Mike Nance; but I  
17 really couldn't tell you exactly how many days. I --  
18 I wanted to say I was out three days, but I just -- I  
19 actually base part of that on the --

20 Q. Does --

21 A. -- 1099.

22 Q. -- the 1099 there look like it's for one  
23 day's work?

24 A. No. My guess is it's two.

25 MS. HILL: All right. Let's take a quick

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1 break. I think we're to the end of our videotape.

2 THE WITNESS: Okay.

3 (Recess)

4 (Exhibit 6 marked)

5 Q. (By Ms. Hill) We've marked Exhibit Number 6  
6 now, which is your 2007 1099. And we've redacted the  
7 payer's federal ID number and your social security  
8 number. That's going to be entered as an exhibit on  
9 this matter.

10 A. Okay.

11 Q. If you were out with Mr. Huff in 2007, would  
12 you have made Mr. Nance -- excuse me. Let's start  
13 again.

14 You testified that you believed you were out  
15 in the watershed with Mr. Nance at one time.

16 A. Uh-huh. Yes.

17 Q. Were there notes that were made on that  
18 occasion?

19 A. We would have made notes if we would have  
20 made any observations. I --

21 Q. Do you know the purpose of your trip in --  
22 with Mr. Nance?

23 A. It was basically the same instructions.

24 Q. Do you recall anything about the  
25 observations you made that day?

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1 A. I really don't.

2 Q. I believe I asked this generally. But do  
3 you have any knowledge or recollection of any of the  
4 activities of any of the defendants in this  
5 litigation?

6 A. I'm not sure I understand.

7 Q. Do you have any recollection sitting here  
8 today of any of the -- any observations you made of  
9 any of the defendants in this litigation?

10 A. The defendants specifically, no.

11 Q. Do you believe you observed the defendants  
12 generally?

13 A. I -- I'm only concerned about the question  
14 when you -- if I -- if you're talking individuals that  
15 I observed or identified individuals, no, I did not.

16 Q. And is it your testimony here today that you  
17 believe that you were out in the watershed in 2006 and  
18 2007 or just 2007?

19 A. Well, obviously, from our notes that we just  
20 went over, I was in 2006. When I walked in here  
21 today, I couldn't have told you 2006 till I saw that.  
22 And then I'm basing my 2007 on the fact that I have a  
23 W-2 covering 2007.

24 Q. Have you ever recreated in the Illinois  
25 River Watershed?

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1 A. Actually, as a child, yes.

2 Q. In recent years, have you had cause to go to  
3 the Illinois River Watershed for recreational  
4 purposes?

5 A. If you're talking about Grand Lake, I go to  
6 Grand Lake all the time. If you consider that -- I'm  
7 not sure if that's considered --

8 Q. Do you know whether Grand Lake is located in  
9 the Illinois River Watershed?

10 A. I believe it is, but I'm not certain.

11 Q. Did you receive any training or instruction  
12 about the boundaries of the Illinois River Watershed?

13 A. No.

14 Q. Do you ever recreate on Lake Tenkiller?

15 A. As a child.

16 Q. Have you been back to Lake Tenkiller in  
17 recent years?

18 A. I have not.

19 Q. And again, you did not receive any  
20 instructions from anyone on whether the materials that  
21 you were observing were hazardous?

22 A. No.

23 Q. If those were considered to be hazardous,  
24 would you have expected to be -- have been told that  
25 those materials were considered hazardous?

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1 A. Yes.

2 Q. So you could appropriately take precautions?

3 A. Yes.

4 Q. And you did not receive any such  
5 instruction?

6 A. No.

7 MS. HILL: Mr. Jones, I appreciate your time  
8 here today. I have no further questions for you. I  
9 imagine Pat may have a few.

10 MR. GREEN: Let's take just a break. Let  
11 me --

12 MS. HILL: That's fine.

13 MR. GREEN: -- go through my notes really  
14 quick.

15 MS. HILL: Sure.

16 EXAMINATION

17 BY MR. GREEN:

18 Q. Sir, my name is Pat Green. We -- we met  
19 before we got on the record today. I just have a  
20 couple of follow-up questions for you.

21 You were asked a couple of times today  
22 whether or not you saw anything inappropriate in any  
23 farms you observed. Were you tasked with identifying  
24 anything that was inappropriate?

25 A. No.

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1 Q. Okay. You also stated that you recreated in  
2 Tenkiller lake as a child, but you don't now. Why  
3 don't you recreate in Tenkiller lake now?

4 A. Because I have a place at Grand and that's  
5 where I go.

6 MR. GREEN: That's all the questions I have.

7 MS. HILL: I have no further questions. Do  
8 you want to advise him about waiving or reading and  
9 signing?

10 MR. GREEN: You have the opportunity to go  
11 through the transcript, if you would like to, to  
12 identify any errors and correct them. Or you can --  
13 you can waive that right if you choose to and just  
14 have it presented as is.

15 THE WITNESS: I assume it will be accurate.

16 MS. HILL: So you would like to waive?

17 THE WITNESS: I can waive that.

18 MS. HILL: All right.

19 (Deposition concluded at 9:44 a.m.)  
20  
21  
22  
23  
24  
25



C E R T I F I C A T E

[illegible]

I, Rosie Standridge, Certified Shorthand Reporter for the State of Oklahoma, certify that the above-named TIM JONES was by me first duly sworn/affirmed to testify the truth; that the above and foregoing deposition was taken by me in stenotype and thereafter transcribed is a true and correct transcript of the witness; that the deposition was taken on April 10, 2009, at 8:37 a.m., at the offices of Rhodes, Hieronymus, Jones, Tucker & Gable, Tulsa, Oklahoma; that I am not an attorney for nor a relative of any said parties, or otherwise interested in the event of said action.

Witness my hand and seal of office on this  
20th day of April, 2009.

Rosie Standridge, CSR 1848  
for the State of Oklahoma